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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 KIRK SAINTCALLE,

10 Petitioner,

11 v.

12 DANIEL WHITE,

13 Respondent.

Case No. C15-0156-BJR-MAT

ORDER GRANTING PETITIONER'S  
MOTION TO AMEND HABEAS  
PETITION

14 This is a 28 U.S.C. § 2254 habeas action. Petitioner has moved for leave to file an amended  
15 habeas petition. Dkt. 21. Respondent did not file an opposition brief. Having considered  
16 petitioner's motion, the balance of the record, and the governing law, the Court finds and  
17 ORDERS:

- 18 (1) Petitioner's motion to amend his habeas petition, Dkt. 21, is GRANTED.
- 19 (2) Petitioner shall file his amended petition **within 14 days** of the date of this Order.
- 20 (3) Respondent shall file his answer **within 45 days** of the date of this Order. As part  
21 of such answer, respondent shall state whether petitioner has exhausted available state remedies  
22 and whether an evidentiary hearing is necessary.
- 23 (4) The answer will be treated in accordance with LCR 7. Accordingly, on the face of

ORDER GRANTING PETITIONER'S  
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PETITION - 1

1 the answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner  
2 may file a response not later than the Monday immediately preceding the Friday designated for  
3 consideration of the matter, and respondent may file a reply not later than the noting.

4 (5) The Clerk is directed to send copies of this order to the parties and to the Honorable  
5 Barbara J. Rothstein.

6 Dated this 22nd day of June, 2017.

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9 Mary Alice Theiler  
United States Magistrate Judge